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TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER JONES, SCOTT E	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Office Action Summary

Application No.

10/731,701

Applicant(s)

VLAZNY ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 10/16/07 in which applicant amends claims 1, 24, and 40 and responds to the claim rejections. Claims 1-58 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-10, 12-20, 23-32, 35-49, 51-55, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA One Account ("NYRA").

NYRA discloses methods and devices for betting at work, at the track, or at home.

NYRA allows a card holder to access funds easily by making fast and safe deposits and withdrawals. Card holders insert cards in "Sam machines" or use portable "Tiny Tims" to access funds to make wagers. Card holder are requested for a PIN for verification. Funds may also be transferred to a card holder's account from a Visa, MasterCard, or Discover Card, for instance. Moreover, a card holder may withdraw funds at the track through a Sam machine at any time. The Sam machines and Tiny Tims display a card holders balance on the account. The Sam machines are a convenient way to wager without waiting in line at the pari-mutuel windows. The Sam machines may also be utilized with as a ticketless system whereby a card holder's account is credited or debited accordingly without the inconvenience of waiting in line to cash

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tickets. Furthermore, a card holder's account is immediately credited or debited after the race on which a wager has been made is made official.

Regarding Claims 1, 24, and 40:

A cashless method of pari-mutuel wagering comprising:

- providing a gaming terminal (Sam machine or Tiny Tim) at an establishment (Race track, at home, or at work), the gaming terminal configured for a player to place a pari-mutuel wager on an event (pp. 1-13);
- presenting a house card (NYRA card) associated with a monetary account (NYRA account) to a card reader (Sam machine or Tiny Tim) in communication with the gaming terminal (pp. 1-13);
- accessing at least a portion of funds (making a wager or withdrawal off less than the full balance or viewing the displayed balance) of the monetary account for use at the gaming terminal (pp. 1-13);
- placing a pari-mutuel wager at the gaming terminal on an event using the at least a portion of the funds (pp. 1-13); and
- placing a purchase using the house card at the establishment using at least another portion of the funds (pp. 1-13). Placing a purchase may simply be placing another wager.

Moreover, since the Sam machines allow a card holder to withdraw funds, a cardholder may use a withdrawal to purchase refreshments while visiting the race track for a large portion of the day.

Regarding Claims 2 and 25:

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- The method according to claim 1, wherein placing the purchase using the house card is effected before placing the pari-mutuel wager (pp. 1-13). A player may withdraw funds prior to placing a pari-mutuel wager in order to purchase refreshments while at the race track.

Regarding Claims 3 and 26:

- The method according to claim 1, wherein placing the purchase using the house card is effected after placing the pari-mutuel wager (pp. 1-13). Alternatively, a player may withdraw funds after placing a pari-mutuel wager in order to purchase refreshments while at the race track.

Regarding Claim 5:

- The method according to claim 1, further comprising using the house card to access an informational display (display on Sam machine or Tiny Tim) at the establishment (pp. 1-13).

Regarding Claim 6:

- The method according to claim 1, further comprising adding additional funds to the monetary account (pp. 1-13).

Regarding Claims 7 and 32:

- The method according to claim 1, wherein accessing the at least a portion of funds comprises sending a request for allocation of the at least a portion of funds to a remote computer in communication with the card reader (pp. 1-13). Funds may also be transferred to a card holder's account from a Visa, MasterCard, or Discover Card, for instance. This occurs at a remote computer.

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Regarding Claims 8 and 35:

- The method according to claim 7, wherein accessing the at least a portion of funds further comprises receiving the at least a portion of funds requested from an authorization sent to the gaming terminal from the remote computer (pp. 1-13). Funds may also be transferred to a card holder's account from a Visa, MasterCard, or Discover Card, for instance. This occurs at a remote computer.

Regarding Claims 9, 28, and 52:

- The method according to claim 1, further comprising updating the monetary account with winnings from a result of the pari-mutuel wager (pp. 1-13). A card holder's account is immediately credited or debited after the race on which a wager has been made is made official.

Regarding Claims 10 and 54:

- The method according to claim 1, further comprising selecting the house card from the group consisting of a smart card, a magnetic strip card, a radio frequency identification transmitter, and a card encoded with a bar code or other coded indicia (pp. 1-13).

Regarding Claims 13 and 53:

- The method according to claim 1, further comprising verifying the identity of the player prior to the player accessing the at least a portion of funds (pp. 1-13). A player inputs at least a PIN to verify their identity.

Regarding Claims 14 and 31:

- The method according to claim 12, further comprising using a personal identification number, a key, a smart card, an electronic button for entering a personal identification

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number in a user interface of the gaming terminal, a finger print imaging device, or a retinal scan to verify the identity of the player (pp. 1-13). A player inputs at least a PIN to verify their identity.

Regarding Claim 15:

- The method according to claim 1, wherein accessing at least a portion of funds of the monetary account for use at the gaming terminal further comprises requesting a specific amount of funds as determined by the player (pp. 1-13). A card holder may withdraw funds (a specific amount) at the track through a Sam machine at any time.

Regarding Claims 16 and 36:

- The method according to claim 1, further comprising selecting the event to be a sporting event (horse race) (pp. 1-13).

Regarding Claims 17 and 37:

- The method according to claim 1, further comprising forwarding information regarding an outcome of the pari-mutuel wager over a communication link (pp. 1-13). The result of the outcome of the pari-mutuel wager is forwarded over a communication link whether directly to a Sam machine, a Tiny Tim, or over a phone.

Regarding Claims 20 and 55:

- The method according to claim 1, further comprising selecting the house card to be associated with a first monetary account and with a second monetary account associated with a debit card accounts or a credit card account, and using the at least a portion of the funds from the first monetary account to place the pari-mutuel wager (pp. 1-13).

Regarding Claims 23 and 58:

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- The method according to claim 20, further comprising transferring funds between the first monetary account and the second monetary account (pp. 1-13).

Regarding Claim 27:

- The method according to claim 24, further comprising selecting the gaming terminal to include the card reader (pp. 1-13).

Regarding Claim 29:

- The method according to claim 24, further comprising removing the credit card or the debit card prior to placing the pari-mutuel wager.

Regarding Claim 41:

- The method according to claim 40, wherein inputting the unique identifier (Account number or PIN) comprises inputting an account number using a touch tone telephone (pp. 1-13).

Regarding Claim 42:

- The method according to claim 41, further comprising inputting a unique secondary identifier (Telebet Access Code (TAC)) number using the touchtone telephone (pp. 1-13).

Regarding Claim 43:

- The method according to claim 40, wherein placing the pari-mutuel wager over the communication link comprises inputting the pari-mutuel wager using a touch tone telephone (pp. 1-13).

Regarding Claim 44:

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- The method according to claim 40, wherein placing the pari-mutuel wager over the communication link comprises inputting a code corresponding to a specific pari-mutuel gaming establishment (pp. 1-13).

Regarding Claim 48:

- The method according to claim 40, further comprising selecting the monetary account to be associated with a house card (pp. 1-13).

Regarding Claim 49:

- The method according to claim 48, further comprising adding funds to the monetary account associated with the house card (pp. 1-13).

Regarding Claim 51:

- The method according to claim 40, further comprising selecting the monetary account to be associated with a debit or credit card (pp. 1-13).

NYRA appears to lack explicitly disclosing:

Regarding Claims 1, 24, and 40:

- Placing a cashless purchase other than a pari-mutuel wager using the house card at the establishment to debit at least another portion of the funds of the monetary account.

Regarding Claims 12 and 30:

- The method according to claim 1, further comprising removing the house card prior to placing the pari-mutuel wager.

Regarding Claims 18 and 38:

- The method according to claim 17, wherein forwarding information comprises sending the information using text messaging.

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Regarding Claims 19 and 39:

- The method according to claim 17, wherein forwarding information comprises sending the information using email.

Regarding Claim 45:

- The method according to claim 40, wherein inputting the unique identifier comprises inputting an account number into a user interface of a website that communicates with the remote computer.

Regarding Claim 46:

- The method according to claim 45, further comprising inputting a unique secondary identifier into the user interface of the website that communicates with the remote computer.

Regarding Claim 47:

- The method according to claim 45, further comprising placing a purchase of at least one item sold by the establishment.

Regarding Claims 1, 24, and 40, NYRA discloses regarding wagers the Sam machines may also be utilized with as a ticketless system whereby a card holder's account is credited or debited accordingly without the inconvenience of waiting in line to cash tickets. Moreover, NYRA discloses withdrawals can be made from said account to provide a voucher which can be used to place additional wagers without obtaining cash or to obtain cash to purchase other goods, such as meals from the clubhouse restaurants. Cashless debiting systems for purchasing goods were notoriously well known at the time of Applicant's invention. Moreover, NYRA gives the rationale why one would want to use such a system-to credit or debit the card holder's account

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accordingly without the inconvenience of waiting in line to cash tickets. Thus, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to use the cashless debiting system for both wagering and dining functions. Doing so would make the transactions free from human error handling money and reduce overall labor costs for the casino or racetrack..

Regarding Claims 12 and 30, it would have been obvious at the time of Applicant's invention to allow removing the house card prior to placing the pari-mutuel wager (that is, if NYRA does not disclose this feature, which it may). One would have been motivated to remove the house card from the Sam machine because players may forget the card and leave it in the machine.

Regarding Claims, 18, 19, 38, and 39, NYRA does disclose forwarding information via a telephone. Thus, it would have been obvious at the time of Applicant's invention to use state of the art technology to convey information via other means by well-known conduits, such as email and text messaging.

Regarding Claims 45-47, a similar system is taught in NYRA; however, it is directed to a telephone system. However, it would have been obvious at the time of Applicant's invention to implement this system on a website. One would be motivated to do so to bring NYRA into the state of technology available at the time of Applicant's invention.

1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA in view of Black (U.S. 6,307,956).

NYRA discloses that as discussed above in claims 1-3, 5-10, 12-20, 23-32, 35-49, 51-55, and 58. NYRA appears to lack explicitly disclosing:

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Regarding Claim 4:

- The method according to claim 1, further comprising using the house card to access a secure area at the establishment.

Black teaches, for example, the use of the identity verification system in a hotel casino complex. The system comprises biometric registration upon entry into the hotel-casino, biometric access to a guest room, biometric purchases on-site within the complex such as restaurants, lounges, boutique shops, and the like, and biometric play of slot machines, biometric play at gaming tables.

Although Black teaches a verification system that is employed as an improvement over cards, Black teaches that cards have been used in the past for such systems. Thus, it would have been obvious at the time of applicant's invention to utilize a card to access a secure area of the establishment, such as a hotel room, wherein the card could also be used to make purchases. One would be motivated to do so players would not have to carry multiple cards in their wallet that are easily lost or stolen.

2. Claims 11 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA in view of Walker (U.S. 6,558,255).

NYRA discloses that as discussed above in claims 1-3, 5-10, 12-20, 23-32, 35-49, 51-55, and 58.

NYRA does disclose a minimum initial deposit to obtain a house card. NYRA appears to lack explicitly disclosing:

Regarding Claims 11 and 50:

- The method according to claim 1, further comprising selecting the house card to have a predenominated amount of funds.

In an analogous reference, Walker teaches of a prepaid casino card that may be embodied as a smart card or a general purpose debit card programmed with predefined amount that expires in a predetermined time period. It would have been obvious at the time of Applicant's invention to utilize Walker's predefined card in NYRA. One would be motivated to modify NYRA's system to have predefined cards in order for players to quickly purchase a house card or place a specific balance on a house card in order to wager on a future race.

3. Claims 21, 22, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA in view of Walker (U.S. 6,379,248).

NYRA discloses that as discussed above in claims 1-3, 5-10, 12-20, 23-32, 35-49, 51-55, and 58. NYRA appears to lack explicitly disclosing:

Regarding Claims 21 and 56:

- The method according to claim 20, further comprising crediting the first monetary account when a purchase is placed using funds from the second monetary account.

Regarding Claims 22 and 57:

- The method according to claim 21, further comprising selecting the funds from the first monetary account to be only available for use at the establishment.

Walker teaches a gaming device includes a plurality of balances. The gaming device receives monetary input, such as currency or a transfer from an account, and in turn increases one or more balances. The balance increased depends on criteria such as the amount of monetary input or the source of monetary input (e.g. from a casino account). Players may draw wager amounts from different balances, and add award amounts to the balances. Incentives are

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provided for using the different balances. For example, different balances may have different payout schedules, different probability schedules, or both.

Thus, it would have been obvious at the time of Applicant's invention to incorporate Walker's features in NYRA. One would be motivated to do so because using multiple accounts encourages players to wager by offering incentives to do so. Consequently, casino or race track operator's profits are increased.

4. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA in view of Foodman (U.S. 6,547,131).

NYRA discloses that as discussed above in claims 1-3, 5-10, 12-20, 23-32, 35-49, 51-55, and 58. NYRA's use of a credit card to add to a card holder's balance likely anticipates this feature; however, NYRA appears to lack explicitly stating:

Regarding Claim 33:

- The method according to claim 32, wherein accessing the at least a portion of funds further comprises the remote computer forwarding the request to an electronic funds transfer system.

Regarding Claim 34:

- The method according to claim 33, wherein accessing the at least a portion of funds further comprises the electronic funds transfer system forwarding the request to a credit issuing system.

In an analogous reference, Foodman teaches of a gaming machine including an apparatus necessary to send requests to and receive authorizations from an EFT system which are limited to a preset amount. That preset amount can be converted to plays on a gaming machine.

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Consequently, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to incorporate Foodman's system in NYRA. One would be motivated to do so such that a player could access a credit on a credit card to so that a player could continue to wager if that player is short on cash.

Response to Arguments

5. Applicant's arguments with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.

6. Regarding claims 18, 19, 38, and 39 Applicant alleges NYRA fails to teach or suggest forwarding the information rather the user is allowed to retrieve information from the system. The Examiner respectfully disagrees. Instead of occurring in one step, NYRA's "forwarding" function occurs in two steps. First, the user "retrieves" the information from the system. Thereafter, the system "forwards" said "retrieved" information to the user.

7. Regarding the remaining rejections under 103, Applicant alleges the combinations are improper because the rejection to the independent claims under NYRA are inadequate. However, the Examiner disagrees. Please see the aforementioned rejections above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott E. Jones/
Primary Examiner
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SEJ